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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/727,290
Filing Date: November 29, 2000
Appellant(s): JOHN GOODWIN III ET AL.

John C. Goodwin III et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 09/09/06 appealing from the Office action mailed on 03/06/06

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cragun et al. (USPN 5504675).

Regarding claim 1, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the first information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first information by the display if the person does not begin use of the kiosk within the time period (col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

Regarding claim 2, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the first information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first information by the display if the person n is no longer within the predetermined distance of the kiosk and the time period has expired (col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 3, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a display of the kiosk; sensing a person passing within a predetermined distance of the kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying second information which is more distinctive than the first information by the display in response to said sensing step to attract attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the second information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying third information by the display if the person is no longer within

the predetermined distance of the kiosk and the time period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 4, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a display of the kiosk; sensing a person passing within a predetermined distance of the kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) determining second information for display by the display which is more distinctive than the first information in response to said sensing step; wherein the second information attracts attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; displaying the second information by the display; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the second information to wait for the person to operate the kiosk; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) determining third information for display which is less distinctive than the second information when the person is no longer within the predetermined distance of the kiosk and the time period has expired; and displaying the third information by the display(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 5, Cragun teaches a network kiosk comprising: a display for displaying information; (Fig. 1 (10)) a proximity sensor; and 8-20) displays first information in response to sensing the person to attract attention of the person to the first a computer which senses a person within a predetermined distance of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines

information of the display and to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) times a time period of displaying the first information, (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays second information which is less distinctive than the first information if the person does not begin use of the kiosk within the time period (col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

Regarding claim 6, Cragun teaches a network kiosk comprising: a display for displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a person within a predetermined distance of the kiosk, (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk, (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) times a time period of displaying the first information, (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays second information which is less distinctive than the first information if the person is no longer within the predetermined distance of the kiosk and the time period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 7, Cragun teaches a network kiosk as recited in claim 6, wherein the proximity sensor comprises an ambient light sensor, which senses a drop in ambient light when the person is within the predetermined distance (col. 4, lines 29-35).

Regarding claim 8, Cragun teaches a method of attracting a person to a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person passing within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information and displaying a sound in response to said sensing step to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk; ((col. 5, lines 9-23, Fig. 4 (104), appealing visual images and sound track or statrling sounds), timing a time period of displaying the first information and playing the sound; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) displaying second information which is less distinctive than the first information and stopping the sound if the person does not begin use of the kiosk within the time period(col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

(10) Response to Argument

Independent claim 1

Appellant argues that Cragun does not teach displaying information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; timing a time period of displaying the first information; and displaying second information which is less distinctive than the first information by the display if the person does not begin use of the kiosk within the time period.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially appealing visual images (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing visual images, and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Note that an attract loop with a specially appealing visual images lasting for sometime (104), leading to a step of " if the touch-screen was not touched, (112)" eventually goes back to step 102. It is inherent that there would be less appealing visual images at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with a display unit (16) is such that the display (16) initially is at a normal mode prior to the attraction of a passerby.

Independent Claim 2

Appellant argues that Cragun does not teach displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of

the display and to attempt to persuade the person to approach and use the kiosk; timing a time period of displaying the first information; and displaying second information which is less distinctive than the first information by the display if the person is no longer within the predetermined distance of the kiosk and the time period has expired.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially appealing visual images (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing visual images, and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Cragun also teaches that the network processor checks to determine if a passerby remains in the immediate area (116), and if no passerby remain in the immediate area, a false outcome, then processing resumes at the passer-by detecting step (102) (col. 5, lines 41-43). Note that an attract loop with a specially appealing visual images lasting for sometime (104), leading to checking step for

someone (116) eventually goes back to step 102. It is inherent that there would be less appealing visual images at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with a display unit (16) is such that the display (16) initially is at a normal mode prior to the attraction of a passerby. It is also inherent as shown in Fig. 4 that there muse be some time elapsed between the original step of determining if someone is present (102) and the step of if no passerby remain in the immediate area, a false outcome (116).

Independent Claim 3

Appellant argues that Cragun does not teach displaying second information which is more distinctive than the first information by the display in response to said sensing step to attract attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; timing a time period of displaying the second information; and displaying third information by the display if the person is no longer within the predetermined distance of the kiosk and the time period has expired.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially

appealing visual images (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing visual images, and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Note that an attract loop with a specially appealing visual images lasting for sometime (104), leading to a step of " if the touch-screen was not touched, (112)" eventually goes back to step 102. It is inherent that there would be less appealing visual images at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with a display unit (16) is such that the display (16) initially is at a normal mode prior to the attraction of a passerby. Cragun teaches that the network processor checks to determine if a passerby remains in the immediate area (116), and if no passerby remain in the immediate area, a false outcome, then processing resumes at the passer-by detecting step (102) (col. 5, lines 41-43).

Independent claim 4

Appellant argues that Cragun does not teach determining second information for display by the display which is more distinctive than the first information in response to said sensing step; wherein the second information attracts attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; displaying the second information by the display; timing a time period of displaying the second information to wait for

the person to operate the kiosk determining third information for display which is less distinctive than the second information when the person is no longer within the predetermined distance of the kiosk and the time period has expired; and displaying the third information by the display.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially appealing visual images (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing visual images, and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Note that an attract loop with a specially appealing visual images lasting for sometime (104), leading to a step of " if the touch-screen was not touched, (112)" eventually goes back to step 102. It is inherent that there would be less appealing visual images at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with a display unit (16) is such that the display (16) initially is at a normal mode prior to the attraction of a passerby. Cragun teaches that the network processor checks to

determine if a passerby remains in the immediate area (116), and if no passerby remain in the immediate area, a false outcome, then processing resumes at the passer-by detecting step (102) (col. 5, lines 41-43).

Independent claim 5

Appellant argues that Cragun does not teach a network kiosk comprising: a display for displaying information; displays first information in response to sensing the person to attract attention of the person to the first a computer which senses a person within a predetermined distance of the kiosk; displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk times a time period of displaying the first information, and displays second information which is less distinctive than the first information if the person does not begin use of the kiosk within the time period.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 1 a kiosk unit (10) which includes a display unit (16) and sensors (20, 22) for detecting if persons are in the around the kiosk unit (10) (col. 12-16). Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially appealing visual

images (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing visual images, and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Note that an attract loop with a specially appealing visual images lasting for sometime (104), leading to a step of " if the touch-screen was not touched, (112)" eventually goes back to step 102. It is inherent that there would be less appealing visual images at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with a display unit (16) is such that the display (16) initially is at a normal mode prior to the attraction of a passerby.

Independent claim 6

Appellant argues that Cragun does not teach a display for displaying information; a proximity sensor; and a computer which senses a person within a predetermined distance of the kiosk, displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk, times a time period of displaying the first information, and displays second information which is less distinctive than the first information if the person is no longer within the predetermined distance of the kiosk and the time period has expired.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 1 a kiosk unit (10) which includes a display unit (16) and sensors (20, 22) for detecting if persons are in the around the kiosk unit (10) (col. 12-16). Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially appealing visual images (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing visual images, and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Cragun also teaches that the network processor checks to determine if a passerby remains in the immediate area (116), and if no passerby remain in the immediate area, a false outcome, then processing resumes at the passer-by detecting step (102) (col. 5, lines 41-43). Note that an attract loop with a specially appealing visual images lasting for sometime (104), leading to checking step for someone (116) eventually goes back to step 102. It is inherent that there would be less appealing visual images at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with a display unit (16) is such that the display (16) initially is at a normal mode prior to the attraction of a passerby. It is

also inherent as shown in Fig. 4 that there muse be some time elapsed between the original step of determining if someone is present (102) and the step of if no passerby remain in the immediate area, a false outcome (116).

Independent claim 8

Appellant argues that Cragun does not teach displaying first information and displaying a sound in response to said sensing step to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk; timing a time period of displaying the first information and playing the sound; displaying second information which is less distinctive than the first information and stopping the sound if the person does not begin use of the kiosk within the time period.

The examiner respectfully disagrees with appellant's arguments. Cragun teaches as shown in Fig. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor , which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passer-by. In this regard, Cragun discloses an attract loop with an especially appealing visual images combined with a pleasant sound track or startling sounds (col. 5, lines 9-23 and Fig. 4 (104)). Furthermore, Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Cragun as discussed above teaches a attract loop with a specially appealing

visual images combined with a pleasant sound track or startling sounds and indicates that if the touch-screen was not touched, a false outcome at the decision box (112), then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36). Note that an attract loop with a specially appealing visual images combined with a pleasant sound track or startling sounds lasting for sometime (104), leading to a step of " if the touch-screen was not touched, (112)" eventually goes back to step 102. It is inherent that there would be less appealing visual images combined with less pleasant sound track or not sound at original step (102). In other words, a kiosk unit (10) shown in Fig. 1 with display unit (16) and speakers (18) is such that the display (16) and the speakers (18) initially are at a normal mode prior to the attraction of a passerby.

Dependent claim 7

Appellant argues that Cragun does not teach the proximity sensor comprises an ambient light sensor, which senses a drop in ambient light when the person is within the predetermined distance

The examiner respectfully disagrees with appellant's arguments. Cragun teaches the use of a proximity sensor (20), which includes among others traffic sensors with infrared photorelay (col. 4, lines 29-35).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted.

Abbas Abdulselam

Examiner

Art Unit 2629

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